

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BARTH DENNIS CAPELA,

No. C 07-04734 SBA (PR)

Petitioner,

**ORDER DENYING PETITIONER'S
MOTION TO AUGMENT THE RECORD
AS UNNECESSARY**

v.

BOB HOREL, Warden,

(Docket no. 9)

Respondent.

Petitioner has filed a motion to augment the record to include a letter from Petitioner to the trial court judge (docket no. 9). Attached to his motion is the aforementioned letter, dated April 27, 2004, and labeled "Exhibit H."

Petitioner's Exhibit H is already included in the record as part of Respondent's Exhibit 1. See Resp't Ex. 1, Clerk's Tr., Vol. 2 at 247.) Accordingly, Petitioner's motion is DENIED as unnecessary.

This Order terminates Docket no. 9.

IT IS SO ORDERED.

DATED: 3/13/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4
5

6 BARTH DENNIS CAPELA,

Case Number: CV07-04734 SBA

7 Plaintiff,

CERTIFICATE OF SERVICE

8 v.

9 BOB HOREL et al,

10 Defendant.
11 _____/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on March 16, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Barth Dennis Capela V-58262
19 California Training Facility
20 CTF Central
21 P.O. Box 689
22 Soledad, CA 93960

23 Dated: March 16, 2009

24 Richard W. Wieking, Clerk
25 By: LISA R CLARK, Deputy Clerk
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